

REMARKS

The Applicants respectfully request further examination and reconsideration in view of the amendments made above and the comments set forth below. Claims 1 and 3-33 were previously pending in this Application. Within the Office Action, Claims 20-29 and 31-33 are allowed. Claims 1, 3-19 and 30 are rejected. Claims 1, 5, and 30 have been amended. Claims 1, 3-33 are now pending in this application.

Drawings

Within the final Office Action, the drawings were objected to under 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: numeral 220.

The specification is amended to add a reference to the electrical controller 220. Accordingly, the specification now includes a reference to the electrical controller 220 and is in a condition of allowance.

Rejections under 35 U.S.C. § 112

Within the Office Action, claim 1 is rejected under 35 U.S.C. § 112 for “corrosion resistant bearings” being unbased and thus indefinite. Claim 1 is amended to specify “corrosion resistance to the supercritical fluid.” Therefore, the claim is now a based comparison and is no longer indefinite. Accordingly, claim 1 is in a condition of allowance.

Claims 5 and 30 are rejected for containing the trademark name Cronidur® 30 for being indefinite. Claims 5 and 30 are amended to remove the use of the trademark name and thus are no longer indefinite. Accordingly, Claims 5 and 30 are in a condition of allowance.

Rejections under 35 U.S.C. § 103

Within the Office Action, Claims 1, 3, 4, and 8 to 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,135,211 to Pezzillo (hereinafter “Pezzillo”) in view of U.S. Patent No. 2,993,449 to Harland (hereinafter “Harland”) and in view of U.S. Patent No. 6,262,510 to Lungu (hereinafter “Lungu”). Specifically, the office action states that Pezzillo discloses an embodiment where a portion of the pumped liquid is diverted through the bearings providing cooling and lubrication.

Claim 1 is amended to claim a portion of the supercritical fluid being diverted through an alternative flow path between the rotor and stator and through a plurality of bearings. Pezzillo

(Fig 1) discloses a structurally different pump where only the first bearing 78 and not the second bearing 70 has diverted fluid flowing through the bearings. Thus the bearing 70 does not receive the lubricating benefits and the direct cooling of the fluid. Cooling of bearing 70 is attenuated by shaft 12 and by holder 72. While a small area of fluid/bearing contact at the end of the bearing is disclosed, none of the bearing contact surface receives a direct cooling effect from the fluid.

Neither Pezzillo, Harland, or Lungu disclose, teach or suggest the using a portion of the supercritical fluid being diverted through an alternative flow path between the rotor and stator and through a plurality of bearings. Thus modified claim 1 does not read upon the cited prior art.

Because claims 3-19 depend from claim 1 which is now in a condition of allowance, claims 3-19 are in a condition of allowance.

The Applicants respectfully submits that Claims 1, 3-33 are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, he is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

Dated: 8-12-05

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CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

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